

DEPARTMENT OF HEALTH SERVICES

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March 4, 2002

TO: ALL PUBLIC WATER SYSTEMS

The Department of Health Services (Department) is announcing its plan to provide subsidized funding from the Safe Drinking Water State Revolving Fund (SRF) to assist public water systems that exceed the arsenic Maximum Contaminant Level (MCL) of 10 micrograms per liter (ug/l) recently established by the U.S. Environmental Protection Agency (USEPA).

The Arsenic Rule was first published in the Federal Register on January 22, 2001 (66 FR 6976). The Rule is applicable to community and nontransient, noncommunity water systems. The effective date of the Rule is February 22, 2002, and all affected water systems must be in compliance with the arsenic MCL by January 23, 2006. The Rule also requires compliance with the consumer confidence reporting requirements for arsenic beginning February 22, 2002 (40 CFR 141.6(j)).

The Department will adopt regulations for the new arsenic MCL within the next two years. We anticipate that the compliance date for the State MCL will also be January 23, 2006. During the interim, the Department will use the new federal MCL and compliance monitoring provisions to evaluate a system's compliance for purposes of applying for SRF funding.

Based on the Federal Rule compliance with the 10 ug/l MCL will be based on the running average of the monitoring results for four consecutive quarters. If at any time, the average for less than four quarters is such that the MCL is certain to be exceeded regardless of additional sampling results, the source is immediately determined to be out of compliance. Historical data may be used for the determination.

Sampling results should not be rounded, but averages need to be rounded to the nearest "ones" place, i.e., averages of 10.1 ug/l up to 10.5 ug/l round to 10 ug/l (in compliance). Averages above 10.5 ug/l round to 11 or more ug/l (out of compliance).

Arsenic treatment projects are ranked in Category "G" of the SRF Project Priority List (PPL). Category "G" is currently defined as:

"Projects to correct an ongoing chemical (other than nitrate/nitrite) or radiological contamination exceeding a State or Federal primary MCL in the water being distributed to consumers."

Because there now exists a new Federal MCL for arsenic, projects to bring arsenic contaminated systems into compliance with this new MCL can thus be ranked in Category "G" once it has been



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demonstrated that the average of 4 consecutive quarterly samples, as mentioned above, exceeds the 10 ug/l MCL.

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In order to be placed on the PPL, an eligible system must first submit a SDWSRF Loan Pre-application to the appropriate Drinking Water Program District Engineer (DE). The DE ranks the Pre-application based on the problem identified to be resolved by SRF funding, and then the statewide PPL is submitted to the public for review and a public hearing at least once per year. After the public hearing and subsequent comment period are over, the PPL is adopted, and from this a "Fundable List" for the year is created. The Fundable List is based on the prioritized ranking of projects in the PPL and the amount of SRF funding available for that particular year, and establishes how far down the PPL the Department will go in inviting projects to submit a full SRF Application.

If you have any questions, please contact Robin Hook at (916) 323-0871.

Sincerely,

David P. Spath, Ph.D., P.E., Chief
Division of Drinking Water and
Environmental Management